THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25198 of 2006

DATED:29-06-2007

BETWEEN:

Mumtaz Begum.

..... PETITIONER

AND

The Government of A.P.,
Rep., by its Commisioner of Labour,
Hyderabad & 2 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Labour appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the order in proceeding No.H1/9964/2004, dated 07-02-2006, on the file of the 1st respondent, as illegal and arbitrary and consequently direct the official respondents to forthwith cancel all the transactions made in respect of the quarter No.105 H.No.7-2-326, Sanathnagar, Hyderabad and re-allot the same to the petitioner.

3. It is the case of the petitioner that the said quarter was allotted in favour of the petitioner's husband-Hussain Shariff, who was employed in M/s Praga Tools Limited, Secunderabad as Blacksmith on rental basis and the petitioner has been deprived of her right to succeed her property even after the death of her husband.

4. A perusal of the order goes to show that the said quarter No.SRT 105, Industrial Housing Colony, Sanathnagar was originally allotted in favour of the husband of the petitioner namely late Hussain Shariff on rental basis but he occupied the said quarter from 1969 onwards and his whereabouts were not known

and after the husband of the petitioner left the quarter his cousin brother resided for some time and accordingly the allotment of quarter in favour of the husband of the petitioner was transferred vide order No.H1/42113/1976, dated 08-12-1976, terminating the rental agreement for breach of the agreement as they were not residing in the quarter. The said quarter was allotted on rental basis in faovur of the cousin brother of the petitioner's husband, namely Mohammad Hussain, as he was residing in the said quarter at that time and the said Mohammad Hussain also left the quarter and subsequently it was allotted in favour of the 3rd respondent, employee of Allwyn, Hyderabad on a rental basis and subsequently as per his request the quarter was offered on hire purchase scheme and he entered into hire purchase agreement and after making all the instalments the said quarter was registered in favour of the respondent in the year, 1992 itself. The request of the petitioner's husband for re-allotment of the said quarter was rejected in 1992 itself on the ground that he has already breached the rental agreement and also in view of the registration already made in favour of the 3rd respondent. Accordingly, the request of the petitioner was considered pursuant to the impugned order of this Court. A perusal of the aforesaid order goes to show that the petitioner is not entitled to any relief in this Writ Petition.

5. Accordingly, the Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

29th June, 2007.

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